

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

December 18, 2013

The North Ogden Planning Commission convened in a regular meeting on December 18, 2013 at 6:35pm in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on December 13, 2013. Notice of the annual meeting schedule was published in the Standard-Examiner on December 30, 2012.

COMMISSIONERS:

Eric Thomas	Chairman
Don Waite	Vice-Chairman
Joan Brown	Commissioner
Blake Knight	Commissioner
Steve Quinney	Commissioner
Dee Russell	Commissioner

STAFF:

Craig Barker	Community Development Director
Ron Chandler	City Manager
Gary Kerr	Building Official
Stacie Cain	Community Dev. Coord./Deputy City Recorder

VISITORS:

Joan Bland	Ron Storey
Gary Bland	Cindy Smoot

REGULAR MEETING

Chairman Thomas called the regular meeting to order at 6:35pm. Vice-Chairman Waite offered the invocation and led the audience in the Pledge of Allegiance.

ACTIVE AGENDA

1. PUBLIC COMMENTS.

There were no public comments.

2. CONSIDERATION TO APPROVE STOREY FARM SUBDIVISION PRELIMINARY AND FINAL PLAT, LOCATED AT APPROXIMATELY 2850 N 750 E.

A memo from Community Development Director Craig Barker explained this proposal is to create two lots on 750 East and two lots on 2850 North. The zoning is Residential R-1-8A and R-1-8. Both zones require 8,000 sq. ft. in the lot, with 80 feet of lot width at the 30 foot front yard setback, with corner lots having 9,000 square feet in area. These lots are quite large for the zone, with all lots having over 13,000 sq. ft. with over 100 feet of width at the front property line. The major issue is the right of way for Monroe Boulevard which is to be between the two lots on 2850 North. The Storey family owns the property interior to the existing street frontage but stated that they will not develop the interior. They will need an agreement to delay the development of Monroe Blvd. until the interior is sold and another developer will take over. The Storey family also desires to delay the installation of sidewalk on 750 East until the other properties on the east side install the sidewalk as well. The items covered in the technical review need to be addressed, as well as the City Engineer's requirements.

Mr. Barker summarized his staff memo. He reviewed a plat to identify the location of the subject property. He oriented the Planning Commission to the location of the future Monroe Boulevard right-of-way in proximity of the subject property.

Vice-Chairman Waite stated the two lots in the Storey Subdivision would be the only lots on 750 East that have sidewalk improvements. Mr. Barker stated that is correct, but noted that before the Storey Subdivision can be recorded, the applicant will need to gain approval from the City Council to defer installation of the sidewalk until a future date. He then stated that Ms. Cain took a call from a resident that was worried about flooding in the area of the proposed subdivision; they wanted to ensure that proper drainage infrastructure will be installed in the development. He stated he is not sure that the concerns are valid because the lots will occupy property that has existing curb and gutter infrastructure in place.

Chairman Thomas asked if the City will require money to be placed in escrow for the sidewalk on 750 East even though the applicant is asking that the requirement to install the sidewalk be deferred to a future date. Mr. Barker stated the Planning Commission can recommend that the City require escrow money, but the City Council may decide against requiring such. He stated that the deferral could be recorded against the property and there will be language stating that when the City calls for the sidewalk to be installed, the applicant or property owner agrees to install the sidewalk. He stated that has been done for other properties in the past.

Commissioner Quinney inquired as to the age of the subdivision in which the applicant is requesting approval of their lots. Mr. Barker stated it was approved approximately 20 years ago. Commissioner Quinney stated that if the City had required the sidewalks to be installed when the subdivision was originally approved, a lot of money could have been saved. He stated he has seen other places in the City where there are no sidewalks and he has always wondered why that is. He stated his observation about that issue is that when a house is constructed there should be a sidewalk in front of it and many developers are required to install all sidewalks and other infrastructure before building any houses in a subdivision. He stated he does not feel that deferring the installation of the sidewalk is a good idea in this instance.

Ron Storey provided a brief history of the subject property, which was originally owned by his father. He asked if he would be required to install the sidewalk before selling the lots or if the people that purchase the lots would be required to install them. Chairman Thomas stated the developer is typically responsible to install sidewalks; even if there is a deferral agreement relative to the sidewalks, the developer would be responsible for the installation of the sidewalk. Mr. Storey stated he lives in a home on 750 East as does his sister and neither of them have sidewalks. He stated that the two lots would be the only lots with sidewalks unless the rest of the property owners are also required to install sidewalks. Chairman Thomas stated that the installation of the sidewalks in front of the two lots could be the catalyst that may encourage the City to require all other property owners in the subdivision to install their sidewalks. There was a brief discussion about other properties in the area and Mr. Storey explained the relationship between his father and the City whereby his father provided property to serve as an easement for a road, but the proper infrastructure was never installed by the City to serve a portion of the remaining Storey property that could be divided into two additional lots. He stated he does not have the money to install those improvements now and he will likely eventually sell the property to a developer in order for them to improve and subdivide the remaining property.

Vice-Chairman Waite stated the City Council will need to make an ultimate decision regarding the deferral of the requirement to install sidewalks.

Mr. Storey then stated in order for development in the subdivision to continue on 2850 North, it will be necessary to dig up the existing water line and replace it; the size of the current water line is three-quarter inch line and there is a requirement for a one inch line in that area. A short discussion regarding the infrastructure in the area as well as the easements for the future Monroe Boulevard ensued. Mr. Storey stated that he will only pursue the development of two lots at this time. He then noted that a current resident in the subdivision is interested in purchasing one of the parcels of property in order to prevent a house from being built upon it and he asked if he would need to make all necessary improvements to the property before selling it. Mr. Barker stated someone may purchase the lot without being required to subdivide it. He noted State Law allows property owners to enlarge their lots by purchasing adjacent properties without creating a subdivision. He stated the only issue would be how to handle the improvements of the west side of the property in the future when Monroe Boulevard is developed. He stated the City and property owner would need to agree to install the improvements at a future date so that agreement could be recorded against the property.

Commissioner Quinney asked Mr. Storey if he has had serious discussions with the person that is interested in purchasing the property. Mr. Storey answered yes and stated he has had the property surveyed as well. He stated he is waiting to have the property appraised so he can discuss a purchase price with his neighbor. Commissioner Quinney stated he would prefer to table consideration of this application until that is complete. Chairman Thomas stated the Planning Commission could grant preliminary approval this evening and Mr. Storey could make some changes to the application before requesting final approval. He added that will also allow Mr. Storey additional time to determine the price for which he desires to sell the raw ground to his neighbor. Mr. Storey stated his only concern regarding proceeding with the development of the lots on 750 East is whether he will be required to install sidewalks before selling the lots. Chairman Thomas reiterated that according to the City Ordinance a developer is required to install sidewalks before selling a building lot, but the City Council can grant a deferral of that requirement.

The Planning Commission, Mr. Barker, and Mr. Storey then had a short discussion regarding how to proceed with the application.

Commissioner Quinney made a motion to grant preliminary approval for lots one and two of the Storey Farm Subdivision, located on 750 East. Commissioner Russell seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed.

3. CONSIDERATION TO APPROVE THE NORTH POINTE CENTER SUBDIVISION, LOCATED AT APPROXIMATELY 2550 N AND 400 E.

A memo from Community Development Director Barker explained this proposal is part of the overall development of the new Smith's Market Place at approximately 2500 N Washington Boulevard (rear). There are numerous parcels involved which will be put together in two lots to be known as North Pointe Subdivision Second Amendment. This subdivision approval is happening at the same time as the Development Plan approval required by the CP-2 zone. Normally, the subdivision approval includes all of the requirements for public improvements such as culinary water, sanitary sewer, storm sewer, all private utility easements requested by the utility companies, irrigation water, and fire hydrant locations among other things. Most of these have been addressed at the Final Development Plan approval or with the City staff and engineer as part of the negotiations for the project development. The City Redevelopment Agency is also involved. Any motion for approval should also tie together with the Development Plan approval

and the approval of the City Engineer.

Mr. Barker reviewed his staff memo. He reviewed the plat and identified some of the businesses that will be located on the various lots included in the subdivision.

City Manager Ron Chandler stated he wanted to briefly discuss the proposed trail and storm water detention basin associated with the project. He noted the City is currently working with Smith's and Pine View Water Company regarding the construction of the trail and all parties are in agreement that the trail will be constructed by Smith's and public access will be allowed. He explained negotiations of the easement for the trail are ongoing, but the easement will ultimately be recorded on top of the Pine View easement in a manner that will allow public access. He then referenced the storm drain aspect of the project and noted that as part of the development agreement between the City and Smith's, the City agreed to build the offsite storm drain pond and he identified the location of the future pond, noting that it will take approximately three quarters of an acre of ground. He explained 57 percent of the capacity of the pond will be used by Smith's and the remaining 43 percent will be used by the future Intermountain Health Care (IHC) development. He stated the City is currently in negotiations with IHC regarding their development and they also eventually want to construct a trail on their property that will be connected to the Smith's trail and ultimately the City's trail system.

Mr. Barker stated an additional public improvement that could potentially be made to the development is to widen the access points from Washington Boulevard, but Smith's would need to work with the Utah Department of Transportation (UDOT) to accomplish that as Washington Boulevard is a State road.

Commissioner Knight made a motion to approve the North Pointe Center Subdivision, located at approximately 2550 N 400 E, contingent upon meeting the terms of the Final Development Plan. Commissioner Brown seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed.

4. DISCUSSION TO DETERMINE HOW THE HEIGHT OF A BUILDING IS MEASURED.

A memo from Community Development Director Barker explained the City Building Official has asked that the Planning Commission discuss how the height of a building is determined. The present method is determined by the method described in the definitions section of the City

Zoning Ordinance. The ordinance says in a subdivision the height is measured from the finished grade of the subdivision grading plans or finished grade of the individual lot's grading plan (whichever is lower) to the highest point of the of the structure directly above the finished grade. The Building Official wishes to point out issues perhaps between the Zoning and Building Codes as well as other concerns.

Mr. Barker reviewed his staff memo.

Commissioner Knight stated that he owns mountainside property and the ordinances in place relative the measuring of building height stated that it shall be measured from the grades lowest point on the building to the top of the building. He stated that his home is measured from the concrete pad at his walk-out basement up to the highest point of his home. Mr. Barker stated that can be somewhat restrictive when considering slope development; it is not unusual to have a 20-foot height difference from the back of the house to the front depending on the slope of the property.

Building Official Gary Kerr stated the provision for measuring a building height of a house on a hillside is very confusing and he reviewed the provision. He stated that there is a focus on natural grade of the property and the measurement is taken from the natural grade to the highest point of the structure. He noted he would like to make the definition easy to understand for staff and residents. He provided a few examples of homes in the City where determining the building height has been somewhat difficult and that led to a short discussion among the Planning Commission regarding the purpose of building height restrictions. Commissioner Knight stated he favors providing a definition as close to the International Building Code as possible.

Commissioner Quinney stated that if most problems in measuring building height arise due to the slope of the ground, he does not believe those problems will be resolved by amending the ordinance. He asked Mr. Kerr for details regarding his concerns with the current ordinance. Mr. Kerr stated that based on the way the ordinance is written, it is not possible to determine from what side of a home to begin measuring. Mr. Chandler then led a discussion regarding the purpose and intent of the ordinance and stated he feels building heights should be regulated for the benefit of all City residents. Debate and discussion between staff and the Planning Commission regarding the method by which to measure a building height continued, with Chairman Thomas stating Mr. Kerr is asking the Planning Commission for their recommendation regarding the method that should be used. Mr. Kerr stated he would like to simplify the method for determining the building height in order for all parties to more easily understand it and to avoid conflicts and disagreements regarding his decisions regarding building heights, especially relative to those homes built on a hillside or slope.

Mr. Barker stated staff is not asking the Planning Commission to make a decision regarding the issue tonight and he and Mr. Kerr will work on proposed amendments to the ordinance that take into account the discussion that has taken place this evening.

5. PUBLIC COMMENTS.

There were no public comments.

6. PLANNING COMMISSION/STAFF COMMENTS.

Commissioner Brown stated that she read a newspaper article explaining that Pleasant View City has run out of water and they have placed a moratorium on building. She asked if Pleasant View has asked to purchase water from North Ogden and she stated she would not be supportive of such an action. Mr. Chandler stated Pleasant View has not contacted North Ogden. There was a brief discussion about a City project to drill a water well; Mr. Chandler mentioned the project is on hold because bids for the work were much higher than anticipated, but he noted the City's water needs are still being met.

Vice-Chairman Waite stated that he has been approached in the last week regarding the speed limit variations on Washington Boulevard between 2650 North and 2550 North. He stated there is a speed limit sign indicating the speed limit is 50 miles per hour, but many residents believe the speed limit is 30 miles per hour. Mr. Barker stated it would be difficult for the City to address the speed limit on Washington Boulevard because it is a State road. A general discussion about traffic issues in the area ensued and Mr. Chandler stated traffic issues will continue to worsen until an additional north/south channel is created in the area. Mr. Chandler's comments led to a brief discussion regarding the easement for the potential future Monroe Boulevard corridor.

Chairman Thomas then announced that tonight is Mr. Barker's last meeting and he thanked Mr. Barker for his years of service to the City and stated Mr. Barker has been a great asset. He stated he is sad to see Mr. Barker and his expertise leave the City. Mr. Barker thanked the Planning Commission and added that he will miss working for the City.

7. ADJOURNMENT.

Commissioner Knight made a motion to adjourn the meeting. Vice-Chairman Waite seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed.

The meeting adjourned at 8:21 p.m.

Planning Commission Chair

Stacie Cain,
Community Dev. Coord./Deputy City Recorder

Date approved